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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,671	08/27/1999	CHARLES ERIC HUNTER	WT-1	9516

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EXAMINER	
DINH, DUNG C	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/385,671	HUNTER, CHARLES ERIC	
	Examiner	Art Unit	
	Dung Dinh	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *68-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *68-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 August 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/18/05, 10/18/99*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/9/2005 have been fully considered but they are not persuasive in view of the rejection below.

Regarding the IDS filed 10/18/1999, the initialed IDS was attached to the previous action mailed 10/04/02. Attached herein to this action is the initialized copy of newly filed IDS 5/18/2005 and the previously considered 10/18/1999 IDS.

Regarding the drawing. It is noted that the drawings are hand drawn. The drawings are sufficient for examination purpose. Whether the drawings meet the requirement for publication is determined by the Office of Publication upon issuance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Walters et al. US patent 5,440,334.

As per claim 80, Walters discloses a device comprising: a receiving mechanism configured to receive a plurality of pre-selected video programs transmitted together (fig.1 receiver 40, col.4 lines 8-9, lines 10-15);

an identification mechanism to identify the pre-selected video programs (col.4 lines 17-22);

a recording mechanism configured to record said selected video programs (col.4 lines 22-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al. US patent 5,440,334 and further in view of Russo US patent 5,619,247.

As per claim 81, Walters does not teach sending billing information each time the record program is played back. In similar field of invention, Russo teaches mechanism for sending billing information of video programs that are actually played back. It would have been obvious for one of ordinary skill in the art to combine the teaching of Russo and Walters because it would have enabled the user to be charged only for program actually viewed.

Claim 68 and 73, 74, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo US patent 5,619,247 and further in view of Walters et al. US patent 5,440,334.

As per claim 1, Russo teaches a method comprising:

transmitting plural video programs to plural customer households [inherent];

permitting the customer to pre-record the video programs [col.4 to col.5];

communicating playback information to a central controller system and using the information for billing the customer for only the programs that has been selected for viewing [col.5 lines 1-5, col.6 liens 25-32].

Russo does not teach a system where the movies are pre-selected by the consumer. In similar field of invention, Walters teaches that it is advantageous to compress video and audio programs in time-compressed format so as to enable transmission of the program faster than real-time to the customer for storage [see col.2 lines 12-27, col.7 lines 8-14]. Walters further teaches the consumer pre-selects plurality of video programs for recording (col.4 lines 12-15). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Walters with Russo for the many advantageous as discloses by Walters. (See Walters col. 7 lines 8 to 60).

As per claim 73, Walter discloses using satellite transmission on multiple channels (col.3 lines 41-45).

As per claim 74 and 79, it is inherent that the system as modified would have computer readable medium with computer-executable code for performing the function stated.

Claims 69 and 75 rejected under 35 U.S.C. 103(a) as being unpatentable over Russo and Walters, and further in view of Rabowsky US patent 6,141,530.

As per claims 69 and 75, Russo and Walters do not teach encoding the movies with data permitting playback only on device

with compatible decoding means. However, in similar field of movie transmission, Rabowsky teaches Control Assess System so as to permit only authorized playback (see col.6 lines 5-23, col.6 line 58 to col.7 line 4). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Rabowsky with Russo and Walters because it would have improved the security of the system and reduced pirating.

Claims 70-72, 76-78 and 82-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo, Walters and Rabowsky, and further in view of Banker et al. US patent 6,005,938.

As per claims 70 and 76, Russo as modified does not teach encoding the movie with a time-based code keys. In similar field of invention, Banker teaches a method of encryption including encrypting with time-based code keys and transmitting keys to the users to enable playback at during certain period of time and prevent authorized uses (see Abstract, fig.2, col.1 lines 37-63, col.4 lines 7-53). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Banker to Russo to encode the movie with a time-based code keys because it would have improved the security of the system.

As per claims 71 and 77, Russo combined with Banker teaches transmit a correlated key B to all customers and a time-based key C that are provided to customers who are in good standing. See Banker col.6 lines 55-68 and Russo col.6 lines 15-21, 50-53.

As per claims 72 and 78, Russo teaches communicate playback information to the central controller when time based code C are provided (col.6 lines 25-27).

As per claims 82-84, they are rejected under similar rationale as for claims 70-72 above. It is apparent that the system as modified would have mechanism to control playback and decode the video programs.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dung Dinh
Primary Examiner
August 8, 2005